

SUMMARY OF ADMINISTRATIVE MEETING
July 22, 2015 – 4:00 p.m.
Room 326, City-County Building

1. Call to order, introductions, opening comments – Mayor Smith called the meeting to order. Commissioners Elsaesser, Ellison, Haque-Hausrath and Haladay were present. Staff present was: City Manager Ron Alles; Executive Assistant Sarah Elkins; City Attorney Thomas Jodoin; Deputy City Attorney Iryna O'Connor; Public Works Director Randall Camp; Assistant Public Works Director Phil Hauck; City Engineer Ryan Leland; Civil/Transportation Engineer David Knoepke; HATS Superintendent Steve Larson; Community Facilities Director Gery Carpenter; Assistant Fire Chief Kelly Tuck; Police Chief Troy McGee; Acting Administrative Services Director Glenn Jorgenson; Budget Manager Robert Ricker; Human Resources Director James Fehr; HCC Coordinator Judy Garrity and Deputy City Clerk Robyn Brown.

Others in attendance included: HCC Representatives John Rundquist and Dick Sloan, Independent Record Report Al Knauber, City Commission candidates Rob Ferris-Olsen and Ed Noonan.

2. July 8, 2015 - The July 8, 2015 administrative meeting summary was approved as submitted.

3. Commission comments, questions –

Upcoming Appointments – There are no board appointment on the July 27th City Commission Meeting agenda.

Commission Comments – Commissioner Ellison announced this year the annual City/County Volunteer Appreciation Event involved mailing every City and County Volunteer Board/Committee/Council member two tickets to the Last Chance Stampede & Fair- PRCA Rodeo for Thursday, July 23rd. Commissioner Ellison and Mayor Smith recognized the work of the volunteers and expressed hopefulness they would take advantage of the complimentary rodeo tickets and enjoy an evening at the Stampede.

Commissioner Haque-Hausrath reported she would be absent for the July 27, 2015 Commission Meeting and requested Agenda Item 10.B. – a resolution of intention regarding the assessment for Open Space Maintenance District No. 1, be tabled if the timeline for final passage will allow. She noted that in the past she had identified particular interest in this assessment and would appreciate being able to participate in the discussion and decision on the methodology options. City Manager Alles acknowledged her request and indicated he would review the timeline and postpone the hearing if the regulations allow.

Commissioner Haque-Hausrath spoke to the Long Range Transportation Plan (LRTP) and referred to discussion in the affirmative by the consultant that the Commission member's comments would be included in the plan. City Engineer Leland confirmed they are included in the "Comment" section of the plan but were not integrated into the plan itself. He commented it is only a plan, as major intersections are identified for improvement, additional studies will be performed and the Commission's comments will be considered as part of the analysis at that time.

Commissioner Elsaesser expressed concern there were not two public hearings held on the LRTP, as had been requested by the Commission. He was also under the impression the Commission would be able to make substantive changes to the document and is disappointed that since some suggested improvements were not supported by the technical working group, they were left out of the document, making those projects ineligible for urban funds.

He then spoke to the recent establishment of a minimum fee for Transfer Station permit holders and referred to an email he had written on the issue. Commissioner Elsaesser's email has been inserted below.

Mayor, Commissioners,

I intend to mention raise concerns regarding recent city policy establishing a minimum fee for permit holders using the City of Helena Transfer Station during commissioner comments at tomorrow's administrative meeting.

As I have mentioned before, I do not support a minimum fee for permit holders using the transfer station. This would be akin to charging City of Helena and Lewis and Clark residents for every visit to the library as if they do not pay an assessment for the facility and the service it provides. Abuse of any public facility or public operation should be specifically addressed, but not at the expense of limiting service to all who pay for the facility.

This policy should be revisited at a Joint City-County Work Session ASAP with further review ahead of next year's City of Helena Transfer Station Resolution. At the very least, the city should reset the per visit limit at the end of the calendar year to allow for thirty visits for the rest of the fiscal year to which the permits are tied (30 visits per half year; 60 per year total).

Thank you very much!

Sincerely,

Matthew Elsaesser, Commissioner

Manager Alles reported this issue was discussed with the Lewis & Clark County Board of County Commissioners (BoCC) today. The County was inconclusive on whether to change the new requirements or how to fix the issue. He explained to county staff that he would not be recommending a change to the City Commission; however, if the City Commission desires to change the fee, he will make that happen.

Commissioner Haque-Hausrath commented she was not aware of the impact the City's fee resolution would have on County residents. Commissioner Haladay concurred with Commissioner Haque-Hausrath's comment and spoke to limitations of the solid waste division software. Assistant Public Works Director Hauck indicated staff would research the ability and possibilities of the current software.

Manager Alles indicated the issue will be discussed at the August 6th City/County Joint Work Session.

4. City Manager's Report – City Manager Alles gave an overview of the first meeting of the Solid Waste Efficiency Study Blue Ribbon Working Group. Commissioner Elsaesser expressed disappointment that the public was not invited to participate with the working group. Manager Alles noted the meetings are public and comment will be taken, however; staff needs to be able to thoroughly vet issues to produce a proposal for the City and County and would not want to be bogged down with a lot of comment at each meeting. Manager Alles indicated future meetings will be listed on the City meeting calendar with advance notice.

5. Department Discussions
Public Works

a) Quiet Zone Update – Manager Alles asked Public Works Department staff to provide an update on the proposed Quiet Zone.

City Engineer Leland stated the City's consultant, KLJ Engineering, has received comments from MRL and MDT regarding the Quiet Zone Notice of Intent (NOI). The comments mainly focus on the Roberts and National Crossings, the areas where direction is needed from the Commission.

Montana Rail Link submitted the following letter to KLJ Engineering.

June 9, 2015

Mr. Brad Koon, PE
Kadrmass, Lee, & Jackson, Inc.
2969 Airport Road, Suite 1B
Helena, MT 59601

Subject: Draft Notice of Intent (NOI) to Establish a Railroad Quiet Zone under 49 CFR Parts 222 and 229

Montana Rail Link (MRL) has reviewed the NOI dated June 1, 2015 prepared by your office and submitted on behalf of the City of Helena. MRL has the following comments on this NOI:

1. The language of 49 CFR Parts 222 and 229 clearly places the responsibility for creation, implementation and maintenance of a railroad quiet zone with the public authorities having jurisdiction over the public grade crossings within the limits of the desired quiet zone. It is MRL's understanding that the State of Montana is the public authority for the railroad grade crossing on Montana Avenue (DOT #060 193 P) and may share jurisdiction with the City of Helena for the railroad grade crossings on Carter Drive (DOT #060 190 U), Benton Avenue (DOT #060 199 F), and Joslyn Street (DOT #098 742 R). This will require that any notice of establishment for this desired quiet zone include statements from both the City of Helena and the State of Montana, which comply with 49 CFR 222.43 Part B (ix), specifically:

"A statement signed by the chief executive officer of each public authority participating in the establishment of the quiet zone, in which the chief executive officer shall certify that the information submitted by the public authority is accurate and complete to the best of his/her knowledge and belief."

2. While use of the Nationwide Significant Risk Threshold (NSRT), Risk Index with Horns (RIWH) and Proposed Quiet Zone Risk Index (QZRI) as described and calculated in the NOI is allowed in 49 CFR Parts 222 and 229 to permit establishment of railroad quiet zones, MRL believes it to be ill-advised to use these concepts to avoid installing any type of safety enhancements at the Roberts Street and National Avenue crossings. Regardless of the overall risk index ratings for the railroad crossings within this

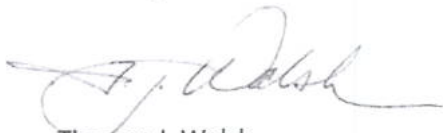
desired quiet zone, the fact remains that the actual risk for users of the railroad crossings on National Avenue and Roberts Street may increase with the elimination of the regular sounding of train horns. Installation of some type of street or signal improvements to mitigate the loss of routine sounding of train horns within this desired quiet zone would seem to be in the best interest of the users of these two grade crossings.

3. It is also noteworthy that the establishment of a railroad quiet zone does not mean that the sounding of locomotive horns will be completely eliminated within the limits of the zone. There are many railroad operations, including the backing of equipment, which require the use of locomotive horns for the benefit and safety of railroad employees. Train horns may also be sounded if any of the railroad crossing signals within the quiet zone are reported or observed to be malfunctioning, if an emergency situation occurs, or if the public appears to be unaware of the approach of railroad equipment. All of these soundings of the train horn are permitted by 49 CFR Parts 222 and 229.

4. Lastly, there has historically been a significant problem with trespassing onto and over MRL's right of way in the vicinity, but outside the limits, of the Benton Avenue crossing (DOT # 060 199 F). It is MRL's opinion that failing to discuss or address the aggravation of this problem due to the elimination of train horns is a serious omission in the planning and design of this proposed quiet zone.

If you wish to discuss any of these comments in more detail, please feel free to contact me or MRL's Chief Engineer, Randy Gustin. You can reach Mr. Gustin at 406-523-1442 or by email at rgustin@mtrail.com.

Sincerely,



Thomas J. Walsh
President

pc John Althof, MDT

The Montana Department of Transportation submitted the following comments via email.

From: Maes, Stephanie [smaes@mt.gov]

Sent: Monday, July 13, 2015 11:57 AM

To: Brad Koon

Cc: Ebert, Jeff; Rouse, Dustin; McLeod, Kraig; Bolan, Danielle; Skinner, Jim; Combs, James; Dorrington, Christopher; Strizich, Carol

Subject: NOI Railroad Quiet Zone - Helena

Brad,

The appropriate Montana Department of Transportation (MDT) staff has reviewed the Notice of Intent to Establish a Railroad Quiet Zone Under 49 CFR 222.43, and we have the following comments:

1. MDT recommends that the improvements in the Diagnostic Review be applied to all crossings within the proposed Quiet Zone, including National Avenue and Roberts Avenue. Creation of the Quiet Zone requires MDT to enter into an Agreement with the City of Helena, and MDT may decline to be a party to the Agreement if the recommended improvements are not implemented.
2. Montana Avenue – No commercial approaches are allowed within 60' of the gate arm per CFR 49 Part 222 Appendix A, 3. C. Please confirm that the J & D Auto Sales approach is outside of the 60' area.

MDT also has the following general comments regarding the project:

3. The City of Helena will be responsible for all project development and construction activities and associated costs. The City of Helena must apply for and obtain encroachment permits from MDT, and enter into a Memorandum of Agreement with MDT. Design must meet MDT standards. The City of Helena must provide notice and coordination with adjacent affected businesses and property owners.
4. MDT will review designs and, if acceptable, provide approval and submit information to the Transportation Commission as necessary.

If you have any questions or need additional information, please let me know.

Thank you.

Stephanie

Stephanie Maes | Planner | Montana Department of Transportation
P.O. Box 201001 | Helena MT 59620-1001 | 406.444.6126 | smaes@mt.gov

Engineer Leland summarized the comments, stating it appears the only option that will be supported by MDT is wayside horns and MRL may require fencing to alleviate concerns with trespassing across the railway in the area of the Benton Avenue crossing.

Discussion was held on the comments provided by MRL and MDT, including the need for a statement of position from MDT and more information on alternative options from MRL.

Consensus Direction to Manager – Manager Alles will write a letter to MDT requesting they provide a formal position on the proposed quiet zone. He will also write a letter to MRL (in addition to meeting with MRL President Thomas Walsh in person) requesting alternative options to wayside horns.

Commissioner Ellison noted that while he supports the requests for formal correspondence from MDT and additional information from MRL, he does not support spending an additional \$300,000 on the

quiet zone proposal.

b) HATS Update – HATS Superintendent Larson distributed the implementation plan for the two fixed route system, the updated proposed new bus routes, and an example of the new buses Butte is using for Commission review.

Superintendent Larson gave an update on the proposed route for the new fixed route and the forthcoming audit of bus stop locations with regard to ADA requirements. Thorough discussion was held on the routes and evaluation.

He stated staff would like to request funding for new larger buses, “12 year buses”, such as the buses Butte is now using. Bozeman is also using the larger buses. He noted it could be a three-year process to receive new buses and will provide the Commission with the financial implications of the “12 year buses”.

c) HATS Follow Up Rate Discussion – Assistant Public Works Director Hauck reported the resolution of intention to increase fares and charges for customers of the Helena transit system is scheduled for August 10th with a public hearing scheduled for August 24, 2015. He gave an overview of the two options proposed in the resolution of intention.

Commissioner Elsaesser stated he supports Option B and spoke to Section 3 and referred to the following comments he had made via email regarding the resolution:

“Regarding the HATS rate resolutions, I hope we can discuss the proposed language regarding bulk purchases, section three of the resolution.

In our discussion of this matter, it has been my hope that we would establish clear authority for the city to work with large employers or other institutions to establish memorandums of understanding that allows investment into the HATS system and convenience for their employees or clients. This might include allowing employee id cards to count towards bus fare as was done with the commuter route partnership with the state a few years ago. It might include an arrangement with medical facilities regarding doctor appointments to allow for medicaid reimbursement. While such programs might include tokens or punch cards, there may be other arrangements that need to be established on a case by case basis as programs develop.”

Commissioner Haque-Hausrath indicated support for Option B and recommended advertising no-fare for para-transit eligible customers and suggested offering a monthly pass.

Commissioner Ellison expressed support for Option B and recommended options such as a monthly pass be vetted next year as this will be the first time the HATS rates have changed since inception of the service. He indicated he would like to advertise the resolution with a \$.50 rate for para-transit customers and then decide what to charge based on the public comment received at the hearing. The same will apply to the other proposed rates. He commended staff for their work on the proposal.

Commissioner Haladay asked when the rates would go into effect. Assistant Director Hauck indicated they would be effective upon passage unless there is a stipulation in the resolution. He recommended the Commission choose an effective date to allow customers sufficient notification of the rate changes.

Manager Alles thanked Commissioner Elsaesser for his comments.

Consensus Direction to Manager – Manager Alles will schedule the Resolution of Intention – Option B for the August 10th Commission Meeting.

d) HTAC Discussion – Manager Alles commented on concerns with the structure of HTAC. Superintendent Larson stated Deborah Swingley is the new chair and Bob Maffit is the vice-chair of HTAC. Ms. Swingley wants to work with the City to improve the relationship between the Council and the City and is eager to help improve the service. Discussion was held on the governance of HTAC.

Commissioner Ellison thanked County Grant Coordinator Laura Erickson for her work in finding financial assistance for the HATS service. He then gave a detailed statement listing his concerns with the current TAC and recommended the creation of a new committee.

Commissioner Elsaesser concurred with Commissioner Ellison’s concerns. He commented the

TAC needs a more formal structure and he would support a re-organization.

Commissioner Haladay indicated he too would support a new governance structure for the TAC. Commissioner Haque-Hausrath concurred and commented the Council should be under the umbrella of the City.

Consensus Direction to Manager – Manager Alles will draft a resolution to create a Transit Advisory Council under the City of Helena with members appointed by the City Commission.

6. Committee discussions

- a) Audit Committee, City-County Board of Health, Civic Center Board, L&C County Mental Health Advisory Committee, Montana League of Cities & Towns – No report
- b) Audit Committee, Board of Adjustment, Helena Chamber of Commerce Liaison, Information Technology Committee, Transportation Coordinating Committee – No report
- c) Intergovernmental Transit Committee, Non-Motorized Travel Advisory Board, Transportation Coordinating Committee – No report
- d) ADA Compliance Committee, Business Improvement District/Helena Parking Commission, City-County Parks Board, Montana Business Assistance Connection – No report
- e) Audit Committee, City-County Administration Building (CCAB), Public Art Committee – No report
- f) Helena Citizens Council – HCC Member Rundquist stated the HCC will be discussing the Transportation Plan, quiet zone, school bond and Confederate Memorial at their monthly meeting tonight.

7. Review of agenda for July 27, 2015 City Commission meeting – No discussion held.

8. Public Comment – Mr. Ferris-Olsen commented he enjoyed attending today's meeting and thanked the Commission for being so welcoming.

9.

10. Commission discussion and direction to the City Manager – No discussion held.

11. Adjourn – Meeting adjourned at 6:00 p.m.